(5) THE MADRAS TENANTS AND RYOTS PROTECTION (AMENDMENT) BILL, 1950 (L.A. BILL NO. 9 OF 1950).

THE HON. SRI H. SITARAMA REDDI :—" Sir, I move—

'*That the Madras Tenants and Ryots Protection (Amendment) Bill, 1950 (L.A. Bill No. 9 of 1950)* [a], *as passed by the Legislative Assembly, be taken into consideration at once.*'

" Sir, the Bill is mainly intended to remove certain anomalies and hardships which result from the operation of the Madras Tenants and Ryots Protection Act, 1949 and also to extend the continuance of the Act up to 7th October 1951. In the Act as it stands, the stay of a suit for eviction of a tenant is subject to the tenant depositing a certain amount of rent within two months from the date of institution of the suit. It was felt that the object of this provision would be defeated if the landlord by some device or other got the service of notice of the suit on the tenant delayed by two months. Now it is proposed to amend the Act in such a way that time is allowed for the tenant to deposit rent two months after the service of notice and not two months after the institution of the suit, so that the tenant may not suffer due to any mischief that may be done by one party or the other.

" There is also another clarification sought to be made. The two years' rent referred to in section 4 (2) is the rent for the two years immediately preceding the date of service of notice of the suit and it is desirable to make it clear in regard to future deposits.

" There is another clause introduced which makes provision for all suits and proceedings (including proceedings in execution) for eviction, or for the sale of the holding, which are not covered by the existing sub-section (2) of section 4. The new provision thus makes the Act complete.

" Now it may be taken advantage of only when there is a suit for eviction. It has been made to cover all suits and proceedings (including proceedings in execution) for the sale of the holding.

" There is another clause which makes provision for enabling a tenant or ryot to pay to the landlord or deposit in court two years' rent in cases where suits or proceedings have not been instituted against him. It was found that it was necessary to enable the tenant to deposit two years' rent so that he may not necessarily wait till the suit is filed. That will give him the necessary help. There is another clause which makes the necessary consequential changes. The Statement of Objects and Reasons furnished to the Members gives the details. I move, Sir, that the Bill be taken into consideration."

THE DEPUTY CHAIRMAN :—" Motion moved— 12 noon.

'That the Madras Tenants and Ryots Protection (Amendment) Bill, 1950 (L.A. Bill No. 9 of 1950), as passed by the Legislative Assembly, be taken into consideration at once.' "

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a Printed as Appendix IV on pages 705–706 infra.

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DR. V. K. JOHN :—" Mr. Deputy Chairman, Sir, this Bill is evidence of the fact that Government are unable to go deep into any matter, and they want an Act passed last year, in 1949, to be amended in 1950. The Madras Tenants and Ryots Protection Act was passed in 1949, and yet in 1950, they want to amend it. The Government say they have now discovered that the Act was badly drafted and not fully considered. When the Bill was brought before the House they would not accept any amendment by the Opposition; the Opposition therefore did not bring forward any amendment, and the Bill as introduced by the Government was passed into law. Now however the Government find that it has many defects. Although it is always good to accept one's faults when one makes mistakes, it is not creditable for a Government which spend crores of rupees on their staff to find the necessity for amending an Act which was passed a few months ago. The Hon. Minister for Land Revenue did not tell us whether any new circumstances have arisen after the passing of the Act to necessitate an amendment; he simply said that Government have discovered the defects in the Act. He seems to take credit for the fact that he has discovered mistakes. As I have said on the floor of the House, we are all human, we do make mistakes and it is certainly honest on our part to admit those mistakes; it is prudent to correct those mistakes as is sought to be done now, but if one persists in one's mistakes; it is stupid. Very often Government persists in their mistakes; only, in this case they have tried to correct them. I would ask them to be a little more careful when they introduce a Bill, to see that the provisions are gone into more fully, that they do not take the time of the House with Bills badly drafted, but bring in only such Bills as have been carefully drafted, and let there be no occasion hereafter for a Bill passed in one year to be amended the next year.

" This is also evidence of the fact that the Government move very slowly. The idea of the Government, when the Act was passed in 1949, was to have a temporary provision expiring on the 7th October 1950; but now they want to extend that period to 1951. The Government have not been able to introduce a comprehensive Bill. Why? Because the Government machinery moves very slowly and sometimes it does not move at all. I ask the Hon. Minister to supply the Government departments with plenty of oil, so that they can apply that oil to the machinery. It would appear that for all of us there are 24 hours in the day, but Government have only 12 hours, and so they want double the time to do anything. Why should they want an Act passed in 1949, to expire on the 7th October 1950 to be extended for another year, up to 7th October 1951?

" Again, Sir, I say this is a very bad record for the Government. The Hon. Minister did not tell this House why the Government were unable to carry out their original intention to have a comprehensive Bill introduced and to allow this temporary Act to expire on the date originally fixed, viz., 7th October 1950. As I said, the reason is that the Government move very slowly and sometimes they do not move, and very often they even go

backward. The Government in all these things are in a mess. It is not creditable for any Government to say that they cannot do anything within the time expected; either the expectation was wrong or something must have happened meanwhile for them not to go further. As I said, this is not creditable to the Government at all. I expect the Hon. Minister to tell the House and the public why the Government are moving so slowly.

"The next criticism I want to make is this: I feel that next year we will have another Bill to extend this Act for another year. I am afraid the Government still want to keep the relationship between landlord and tenant perpetually. I feel it is an economic waste to do so; it will be very much better for Government to introduce a Bill by which a cultivating tenant will have the option to purchase by paying annuities the rights of the landlord. Let there be no intermediary between the Government and the cultivator of the soil and let not the Government be influenced by intermediaries. As I said the other day, the Government are going to give Rs. 12½ crores away for the benefit of intermediaries who are non-cultivating tenants, by the abolition of the zamindaris. I say this Government are very much influenced by the intermediaries who are not cultivators themselves, who do no useful function—at any rate most of them—in regard to agriculture. The Government should therefore look at the question on merits and see that all intermediaries are removed, so that a measure of this kind which is nothing more than a measure to regulate the relationship between landlord and tenant need not be brought before the House in the future at all."

* SRI M. NARAYANA MENON :—"Sir, the Leader of the Opposition proposes drastic measures and wants to have enactments brought up without giving sufficient time to the Government for consideration. Even when very unimportant matters are brought before the House, the Leader of the Opposition insists that Government should take care, probe into everything, find out all the ins and outs and then bring forward measures before the Council; but when a measure affecting the entire landholders in the country and the tenants is to be brought in, the Leader of the Opposition wants that it should be brought forward very soon and that time should not be wasted, as if the landlords and tenants did not continue on good terms for the past millennium in this country. I would therefore request the Government to consider the matter of the relationship between landlord and tenant very carefully . . ."

DR. V. K. JOHN :—"What is the meaning of the word 'million' Sir?"

* SRI M. NARAYANA MENON :—"I said millennium—there is some difficulty somewhere. I request the Government to consider carefully the question of landlord and tenant, taking sufficient time to study the question and not act in an impulsive manner as suggested by the Leader of the Opposition—even if there be political motives to be taken into account—and also to see that the system of landlord and tenant is put on a proper

basis—that the landlord may not perish and the tenant also may prosper. If possible let both prosper. Such a Bill should naturally take some time for preparation. There have been certain agrarian committees whose reports probably some of the Members here may have read but the public may not have read because the reports have not been published as yet. Let the reports be published first, let the public be given sufficient time to consider the whole question; and when the Bill is prepared, it is absolutely necessary that the Bill should be published and time should be given to the public, so that all the provisions may be thrashed out by them and their considered opinion may be given to us on the Bill. I believe the Leader of the Opposition wants to say something about the Government even with reference to an amendment which is good. He himself admits that the amendment is good; and yet when it is brought before the House he says: 'You were wrong; why should you be wrong?' Sir, the Leader of the Opposition also goes wrong many a time; the Government also may go wrong many a time; but when the Government bring in a Bill which rectifies certain errors . . ."

DR. V. K. JOHN :—" You may also be wrong in saying it!"

SRI M. NARAYANA MENON :—" But I am not wrong now, I may tell you."

DR. V. K. JOHN :—" But does the hon. Member admit, Sir, he has been wrong at any previous time?"

SRI M. NARAYANA MENON :—" Yes, many a time, but now I am not wrong."

DR. V. K. JOHN :—" Will he tell us when he will be again wrong?"

SRI M. NARAYANA MENON :—" I am no astrologer and I cannot say when I will go wrong. This Bill, Sir, I submit, is a very important Bill. As a lawyer, I have known some defects pointed out in courts and the Leader of the Opposition also must have known some of the defects, if he has had cases from Malabar. The rectification therefore is very proper here. The High Court has stated that there were some mistakes in the Act and the Government have followed the correct procedure here in rectifying the mistakes and amending the Act. Though it is late, the amendments are good; we may be late in certain matters, but let the provisions be good."

* THE HON. SRI H. SITARAMA REDDI :—" Sir, I have not much to add to the reply that has been already given to the hon. Leader of the Opposition. He referred to the comprehensive Bill and he was very anxious it should be brought up very early. Sir, the Bill is being drafted and it is going to be brought forward very early. I suppose at that time the hon. Leader of the Opposition will not stand up and say that it has been brought up in haste and that it contains defects. He also mentioned, Sir, that Government are very careless and I think he even used the words 'stupid' sometimes. I do not know to whom it applies." (Laughter.)

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DR. V. K. JOHN :—" Not to the Hon. Minister."

* THE HON. SRI H. SITARAMA REDDI :—" Anyway, there is nothing wrong in correcting a mistake, and as a lawyer, he knows that sometimes the best drafted Act when it goes before a Court of Law and is analysed by eminent lawyers, is found to contain certain defects; and it is quite necessary that the Government should rectify the mistakes or defects in the interests of the public. Such a measure should not therefore be called wrong, and I am sure the hon. Member did not mean it."

DR. V. K. JOHN :—" I said, to rectify a mistake was prudence, but to persist in it was wrong."

THE HON. SRI H. SITARAMA REDDI :—" Anyway, we have known the hon. Leader of the Opposition to persist in making criticisms in regard to any Bill, whether it is good, bad or indifferent. I am sure, Sir, when the comprehensive Bill comes, it will contain provisions which will not evoke such criticisms from him. I am glad to see even in this case he had not any adverse criticism to make, except perhaps to give a sort of general advice as to how the Government should conduct themselves. We have been accustomed to receive such advice quite occasionally from the Leader of the Opposition. I now move, Sir, that the Bill be taken into consideration at once."

THE DEPUTY CHAIRMAN :—" The question is—

'That the Madras Tenants and Ryots Protection (Amendment) Bill, 1950 (L.A. Bill No. 9 of 1950), as passed by the Legislative Assembly, be taken into consideration at once.' "

The motion was carried.

Clauses 2, 3 and 4 were put separately and carried. 12–15 p.m.

Clause 1 was put and carried.

The Preamble was put and carried.

THE HON. SRI H. SITARAMA REDDI :—" Sir, I move—

'*That the Bill be passed into law.*' "

THE DEPUTY CHAIRMAN :—" The question is—

'That the Madras Tenants and Ryots Protection (Amendment) Bill, 1950 (L.A. Bill No. 9 of 1950), as passed by the Legislative Assembly, be passed into law.' "

The motion was carried and the Bill was passed into law.

(6) THE MADRAS CITY MUNICIPAL, DISTRICT MUNICIPALITIES AND LOCAL BOARDS (AMENDMENT) BILL, 1950 (L.A. BILL NO. 5 OF 1950).

* THE HON. SRI K. CHANDRAMOULI :—" Sir, I move—

'*That the Madras City Municipal, District Municipalities and Local Boards (Amendment) Bill, 1950 (L.A. Bill No. 5 of 1950)* [a], *as passed by the Legislative Assembly and transmitted to the Council be taken into consideration.*'

[a] Printed as Appendix V on pages 707–709 infra.